

EXHIBIT 23

CONFIDENTIAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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ANIBAL RODRIGUEZ, et al.)
individually and on behalf)
of all other similarly)
situated,)

Plaintiffs,) Case No.

) 3:20-CV-04688

vs.)

GOOGLE LLC, et al.,)

Defendant.)

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Videotaped Zoom Deposition of
JULIAN SANTIAGO
Monday, March 7, 2022

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Katy E. Schmidt
RPR, RMR, CRR, CSR 13096
Veritext Job No.: 5106972

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1 Go ahead, you can answer it again. 01:19

2 BY MS. ARAKAKI: 01:19

3 Q. You can answer. 01:19

4 A. If I've explicitly requested and opted out of 01:19

5 The Economist collecting my data and what I've clicked 01:19

6 on, then, yes, that is a huge invasion of my privacy. 01:19

7 Q. Would you stop using The Economist if you 01:19

8 found that out? 01:19

9 A. If I had another source of that material that 01:19

10 I could access, I might consider it. 01:20

11 Q. But if you didn't have another source for the 01:20

12 same types of articles, would you continue to use 01:20

13 The Economist? 01:20

14 A. Well, I would have no choice if I still want 01:20

15 to have access to that material; right? 01:20

16 Q. Why do you believe you would have no choice? 01:20

17 A. Well, you just said there's no other way to 01:20

18 access that information. And if I find it -- in order 01:20

19 to continue living a certain way, I need to continue to 01:20

20 have access to certain information, then I would have no 01:20

21 choice in continuing to use it. 01:20

22 MR. LEE: Hey, Lori, I don't know how long 01:20

23 we've been on the record, but just FYI, Julian has not 01:20

24 had lunch yet, and I know in Pacific time, it's 1:00 01:20

25 something, 1:20. 01:20

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1 A. Sure. Yeah. 02:59

2 Q. So if it's a couple times a week, let's say 02:59

3 two to three, would it be fair to say that you use the 02:59

4 Bleacher Report about eight to 12 times a month? 02:59

5 A. Sure. 02:59

6 Q. Why do you continue to use the Bleacher Report 02:59

7 over the last year after finding out that you -- what 02:59

8 you believe to be the fact that Google obtains and 03:00

9 saves your app interaction data, even though you have 03:00

10 web-and-app activity off? 03:00

11 A. I think Bleacher Report is a good app. And I 03:00

12 like their journalism and I like their articles and how 03:00

13 user friendly it is. And although unsettling that 03:00

14 whatever I'm accessing on Bleacher Report may still be 03:00

15 getting tracked and collected by Google, despite me 03:00

16 having turned web-and-app activity off, which Google 03:00

17 clearly states includes services like integrated 03:00

18 third-party apps, it's still a good app. And it is 03:00

19 highly unsettling but I've continued to use it because 03:01

20 they do a good job. 03:01

21 Q. So you say "highly unsettling" but it's not 03:01

22 highly -- or unsettling enough to cause you to stop 03:01

23 using the Bleacher Report; right? 03:01

24 A. Well, if there could be another 03:01

25 Bleacher Report app that isn't linked to Google, I would 03:01

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1 A. Because once you have information, and in this 03:19
2 case a team drafted, that's something that you keep 03:19
3 throughout the entire season. 03:19

4 So I kept using that app because I drafted a 03:19
5 team on that app, and I was playing with 12 different 03:19
6 individuals on that app where I couldn't just leave. 03:20
7 And there was money involved. 03:20

8 Q. Got it. 03:20

9 A. And there's people that are also relying on me 03:20
10 continuing to use that app to fulfill the season. 03:20

11 Q. And when you say there was money on the line, 03:20
12 do you mean money you paid to ESPN Fantasy or money in 03:20
13 the Fantasy Football League? 03:20

14 A. Money in the Fantasy Football League. 03:20

15 Q. When in the season did you draft or in the 03:20
16 year did you draft your team? 03:20

17 A. At the beginning of the season. 03:20

18 Q. And when was that, approximately? What month? 03:20

19 A. Probably August. Before the season started. 03:20

20 Q. This is August 2021? 03:20

21 A. Yes. 03:20

22 Q. Between the prior year, at least at the time 03:20
23 where you filed your Third Amended Complaint in November 03:21
24 2020, where you had -- or understood these allegations 03:21
25 of yours that are in the Complaint, in August 2021 did 03:21

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1 you take any steps to come up with an alternative to 03:21

2 ESPN Fantasy? 03:21

3 A. I suggested to my very stubborn friends who 03:21

4 have been using this app for close to 10 years now that 03:21

5 maybe we should use another app. And like I said, 03:21

6 they're very stubborn and majority rules, therefore we 03:21

7 stuck with using the same app. 03:21

8 Q. Surely you told those friends about what 03:21

9 happened or what you believed Google to be doing; right? 03:21

10 A. No. Not surely. I simply presented to them, 03:21

11 "Hey, why don't we use another app?" 03:21

12 Q. Did you give them a reason as to -- go ahead. 03:21

13 MR. LEE: Yeah. Go ahead. 03:22

14 THE WITNESS: I suggested we use another app. 03:22

15 I don't need to give my friends reasons. 03:22

16 BY MS. ARAKAKI: 03:22

17 Q. So you're telling me that you found what 03:22

18 Google was doing to be highly offensive, to be screwing 03:22

19 you, to be enough to be the case that you wanted to look 03:22

20 into a different app and get your whole set of friends 03:22

21 to move to a different Fantasy Football app but you 03:22

22 didn't tell them that? 03:22

23 A. No. I simply suggested it. 03:22

24 Q. Did you tell them that the suggestion to move 03:22

25 to a different Fantasy Football app was because you were 03:22

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1 concerned Google was obtaining their app interaction 03:22

2 data? 03:22

3 A. No, I didn't get into detail about it. I 03:22

4 simply suggested it in passing. It didn't stick. But 03:22

5 perhaps with the following season, like I said I've been 03:22

6 looking into different app alternatives, I will give 03:22

7 them a little more reason to. 03:22

8 Q. Did you mention Google at all in your 03:23

9 conversations -- 03:23

10 A. No. 03:23

11 Q. -- with your friends? 03:23

12 A. No. 03:23

13 MR. LEE: Lori, I'm sorry keep to bugging you, 03:23

14 but I really have to pee. 03:23

15 MS. ARAKAKI: Yeah. We can take a break now. 03:23

16 MR. LEE: Okay. Thank you. 03:23

17 THE VIDEOGRAPHER: Off the record. The time 03:23

18 is 6:23 p.m. 03:23

19 (Break taken in proceedings.) 03:39

20 THE VIDEOGRAPHER: Back on the record. The 03:40

21 time is 6:40 p.m. 03:40

22 BY MS. ARAKAKI: 03:40

23 Q. Mr. Santiago, before the break, we were going 03:40

24 through a number of apps that are listed in the 03:40

25 Third Amended Complaint so I'm just going to keep going 03:40

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REPORTER'S CERTIFICATE

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STATE OF CALIFORNIA)
) ss.

COUNTY OF YOLO)

I, KATY E. SCHMIDT, a Certified Shorthand
Reporter in and for the State of California, duly
commissioned and a disinterested person, certify:

That the foregoing deposition was taken before me
at the time and place herein set forth;

That JULIAN SANTIAGO, the deponent herein, was
put on oath by me;

That the testimony of the witness and all
objections made at the time of the examination were
recorded stenographically by me to the best of my
ability and thereafter transcribed into typewriting;

That the foregoing deposition is a record of the
testimony of the examination.

IN WITNESS WHEREOF, I subscribe my name on this
21st day of March, 2022.



Katy E. Schmidt, RPR, RMR, CRR, CSR 13096
Certified Shorthand Reporter
in and for the County of Sacramento,
State of California

Ref. No. 5106972 KES

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